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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,764	12/29/2000	Sailesh Kottapalli	2207/10122	3475

7590 07/26/2005
Kenyon & Kenyon
Suite 600
333 W. San Carlos Street
San Jose, CA 95110-2711

EXAMINER

HUISMAN, DAVID J

ART UNIT PAPER NUMBER

2183

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/753,764

Applicant(s)

KOTTAPALLI, SAILESH

Examiner

David J. Huisman

Art Unit

2183

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-22, as set forth in the final rejection.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

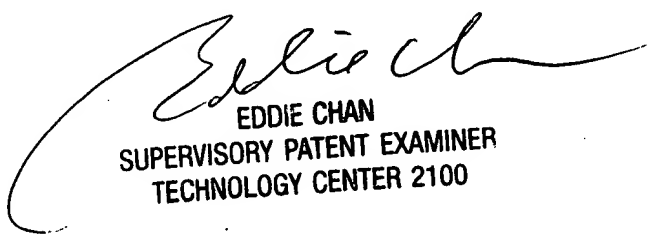
On pages 10-11 of the remarks, applicant argues, in substance, that:

"...the Office Action agrees that the storage elements may receive data from both multiplexers. As previously stated, this indicates the storage elements are shared, which, in addition to not being a dedicated storage element, is the exact opposite of a dedicated storage element. In order to argue that the storage elements of the AAPA even superficially resemble a dedicated storage element, the Office Action parses the operation of the system into sub-fractions of a second. Even so, the fact that the storage element receives data from a first multiplexer at a single point in time does not make it dedicated to that multiplexer, as the storage element is still available to the other multiplexer even if it is not being used by that multiplexer for that sub-fraction of a second. Over any relevant period of time, the storage elements in question will be receiving data from either multiplexer. Thus the storage element is not dedicated under any meaning of the word acceptable to someone knowledgeable in the art."

Although this argument has been fully considered, the examiner finds it non-persuasive for the following reason:

Again, overall the examiner acknowledges that the storage elements of AAPA are shared among the two multiplexers. However, this does not mean that the storage elements are not dedicated. As previously stated, if a snapshot of the system were taken at any point in time during its operation, a storage element would be dedicated to a multiplexer. To take it one step further, between any two points in time in which a thread switch does not occur, a storage element would be dedicated to a multiplexer. That is, when thread A is inactive, the storage element will receive instruction pointers from the multiplexer associated with thread A. When thread A is active, the storage element cannot (emphasis) receive instruction pointers from active thread B. Hence, the storage element is dedicated to thread A and its multiplexer for as long as thread A is inactive. Now, when thread B becomes inactive, the same storage element would receive instruction pointers from the multiplexer associated with thread B. When thread B is inactive, the storage element cannot (emphasis) receive instruction pointers from active thread A. Hence, the storage element is dedicated to thread B and its associated multiplexer for as long as thread B is inactive. So, during periods of time, the storage element is intended only for one purpose: to hold instruction pointers received from the multiplexer associated with the inactive thread. Again, in the overall scheme, the storage elements are shared, but they are also dedicated. The examiner still believes that applicant's claims are too broad. Applicant does not claim that a storage element is dedicated at all times of operation to only one particular multiplexer. The examiner still feels that a good analogy is hardware in a thread-switching system. Since only one thread can execute at a time, isn't the hardware dedicated just to executing the thread currently executing? That is, its sole purpose is to execute the current thread. Now, the hardware will also be dedicated to executing the other thread when it becomes active.

Finally, regarding the drawings, the examiner believes that reference number 212 of Fig.2 should be changed to 222 to match the specification, as 212 does not appear in the specification.



EDDIE CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100